

### REMARKS

Applicant has now had an opportunity to carefully consider the Examiner's comments set forth in the Final Office Action of July 27, 2005. Claims 1, and 10 were amended. Claims 2-6, and 11-13 were canceled. Claims 1, 7-10, and 14-16 are pending. Reconsideration of the Application is requested.

The specification at page 4, first full paragraph was amended to more accurately describe the disclosure provided by the drawings. Specifically, the lip was described as being disposed on "portions of the periphery" since the lip does not encircle the entire periphery as shown in Fig. 4, for example. Also, this sentence was amended to recite that most of the periphery of the assemblies overlap, since some portions of these peripheries do not overlap. This was more fully described by reciting "except where the firearm is disposed adjacent thereto as shown in Figs. 8 and 9." No new matter was added since this material was disclosed in the Figs. as indicated.

The specification at page 14, second paragraph was also amended by stating that the lip preferably extends around "most of" the entire perimeter of the housing except where the first assembly 32 abuts or "is adjacent to" the trigger guard or firearm. This is clearly disclosed in Fig. 7 where the lip does not overlap the other assembly under the barrel. The barrel is adjacent to this part of the assembly, but not physically abutting it. Again, no new matter is added because these amendments were clearly disclosed in the drawings.

The Examiner stated claims 1 and 10 were rejected under 35 USC 102(b) as being anticipated by Patterson (US 5,375,440). Independent claims 1 and 10 were amended to more particularly point out and distinctly claim the subject matter of the invention. Claim 1 was amended to recite that the firearm is disposed between portions of the peripheries of the first and second assemblies. The firearm in Patterson is disposed inside the first and second assemblies. The peripheries of the first and second assemblies in Patterson abut each other so that the firearm cannot be disposed between them. Therefore, claim 1 is patentable over Patterson and claims 7-9, depending therefrom, are also patentable.

Claim 10 was amended to recite that the lip overlaps portions of the other assembly except for portions providing for the firearm to be disposed between the periphery of the first assembly and the periphery of the first second assembly. In Patterson, the firearm is contained within the box, and is not disposed between the peripheries of these two assemblies. Therefore, claim 10 over Patterson, and claims

14-16, depending therefrom, are also patentable.

The Examiner also stated independent claims 1 and 10 were rejected under 35 USC 102(b) as being anticipated by Parry (US 3,637,180). Claim 1 was amended to recite a lip extending from a portion of the periphery of one of said first and second assemblies for sliding over and overlapping most of the periphery of the outer surface of the other of said first and second assemblies except portions, abutting or disposed adjacent to the firearm. This prevents the two assemblies from being pried apart. Parry does not disclose the lip overlapping most of the periphery of the other assembly to prevent prying the assemblies apart. Therefore, claim 1 is patentable over Parry and claims 7-9, depending therefrom, are also patentable.

Claim 10 was amended to recite the lip overlapping outer surface of the most of the periphery of the other of said first and second assemblies except for portions providing for the firearm to be disposed between the periphery of the first assembly and the periphery of the first second assembly when said first and second assemblies are secured together on the firearm. Parry does not disclose this and therefore claim 10 over Patterson, and claims 14-16, depending therefrom, are also patentable.

### CONCLUSION

For the reasons detailed above, it is submitted all claims remaining in the application (Claims 1, 7-10, and 14-16) are now in condition for allowance. The foregoing comments do not require unnecessary additional search or examination.

In the event the Examiner considers personal contact advantageous to the disposition of this case, he/she is hereby authorized to call Patrick Floyd, at Telephone Number (216) 861-5582.

Respectfully submitted,

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January 27, 2006  
Date


  
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